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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop APPEAL BRIEF
Group Art Unit 3775
Examiner James L. Swiger III
Firm: U.S. Patent & Trademark Office
Fax No.: 571-273-8300
Subject: U.S. Patent Application No. 10/675,820
Gary K. Michelson
Filed: September 30, 2003
DYNAMIC GUARD
Attorney Docket No. 101.0093-01000
Customer No. 22882
Confirmation No.: 6670

FROM:

Name: Thomas H. Martin, Esq.
Phone No.: 330-877-2277
No. of Pages (including this): 26
Date: January 23, 2009
Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$540.00 to cover the Appeal Brief fee is to be charged to Deposit Account No. 50-3726), Appeal Brief, and Amendment After Final are being facsimile transmitted to the U.S. Patent and Trademark Office on January 23, 2009.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0093-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/675,820

Filed: September 30, 2003

For: DYNAMIC GUARD

Confirmation No.: 6670

Art Unit: 3775

Examiner: James L. Swiger III

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Panel Decision dated December 23, 2003, transmitted herewith is an Appeal Brief and Amendment After Final in reply to the Final Office Action dated July 25, 2008 in the above-identified application.

☐ No additional fee is required.☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	30	-	51 **	0	LG=\$52 SM=\$26	\$52	\$ 0
INDEPENDENT CLAIMS FEE	1	-	3 ***	0	LG=\$220 SM=\$110	\$220	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195		\$ 0
						TOTAL	\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☒ The total amount of \$540.00 to cover the Appeal Brief fee is to be charged to Deposit Account No. 50-3726.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 23, 2009

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE
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Transmittal of Amendment.DOC

FORM PTO-1083

Attorney Docket No.: 101.0093-01000
Customer No. 22882

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In re application of:

Gary K. Michelson

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IS THIS HAS BEEN CALCULATED AS SHOWN BELOW:								
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FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195		\$ 0	
TOTAL							\$ 0	

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- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 23, 2009

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Transmittal of Amendment LDOC